

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MARK MANWARREN,

Plaintiff,

v.

CHENANGO COUNTY SHERIFF'S OFFICE, et al.,

Defendants.

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9:18-CV-0903  
(BKS/DEP)

APPEARANCES:

MARK MANWARREN  
Plaintiff, pro se  
1478 Co. Rd. 16  
Plymouth, NY 13832

BRENDA K. SANNES  
United States District Judge

**DECISION and ORDER**

On August 2, 2018, pro se plaintiff Mark Manwarren ("Plaintiff") commenced this action by filing a Complaint pursuant to 42 U.S.C. § 1983. Dkt. No. 1 ("Compl."). At the time Plaintiff commenced this action, he was confined in the Chenango County Correctional Facility. Compl. at 1. On August 3, 2018, the Court administratively closed the matter due to Plaintiff's failure to comply with the filing fee requirements. Dkt. No. 4 (the "August Order"). The Court directed Plaintiff to either (1) pay the full \$400.00 filing fee for civil actions or (2) submit a completed and signed IFP Application that has been certified by an appropriate official at his facility. *Id.*

On August 13, 2018 and September 21, 2018, Plaintiff filed applications to proceed in forma pauperis. Dkt. Nos. 6, 12. On September 28, 2018, Plaintiff notified the Clerk of the

Court that he expected to be released from jail on October 4, 2018 and provided a new address. Dkt. No. 13. To date, the Court has received no further correspondence from Plaintiff.

Accordingly, if Plaintiff wishes to proceed with this action, he must within thirty (30) days **either** (1) pay the filing fee of \$400.00 in full,<sup>1</sup> **or** (2) submit a signed IFP Application outlining his current financial condition and demonstrating economic need. Upon Plaintiff's timely compliance with this Decision and Order, the Clerk shall return the file to the Court for consideration of any IFP application and, if appropriate, review of the Complaint.<sup>2</sup> Plaintiff is advised that his failure to timely comply with this Decision and Order will result in the dismissal of this action without prejudice, without further order of the Court.

**WHEREFORE**, it is hereby

**ORDERED** that, in the event Plaintiff wishes to proceed with this action he must, **within THIRTY (30) DAYS** of the filing date of this Decision and Order, **either** (1) pay the statutory filing fee of \$400.00 in full **or** (2) submit an IFP Application outlining his current financial condition and demonstrating economic need; and it is further

**ORDERED** that, upon Plaintiff's timely compliance with this Decision and Order, the Clerk shall return the file to the Court for further review; and it is further

**ORDERED** that, if Plaintiff does not timely comply with this Decision and Order, the Clerk shall enter judgment indicating that this action is **DISMISSED without prejudice**

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<sup>1</sup> The total cost for filing a civil action in this court is \$400.00 (consisting of the civil filing fee of \$350.00, see 28 U.S.C. § 1914(a), and an administrative fee of \$50.00).

<sup>2</sup> Until such time as Plaintiff either pays the full filing fee, or otherwise complies with this Decision and Order, review of the Complaint would be premature. Upon compliance, the Complaint will be subject to review under 28 U.S.C. § 1915(e) and/or 28 U.S.C. § 1915A.

**without further order of this Court;** and it is further

**ORDERED** that the Clerk shall serve a copy of this Decision and Order on Plaintiff, together with a blank Application to Proceed In Forma Pauperis and a courtesy copy of the Complaint (Dkt. No. 1).

Dated: November 19, 2018

A handwritten signature in black ink, reading "Brenda K. Sannes". The signature is written in a cursive style with a horizontal line underneath the name.

Brenda K. Sannes  
U.S. District Judge